



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, ८ मार्च, १९६९/१७ फाल्गुन, १८९०

GOVERNMENT OF HIMACHAL PRADESH

PUBLIC WORKS DEPARTMENT NOTIFICATION

Simla-1, the 25th January, 1969

No. PWE. 125-1/68-EST-I-94364-99.—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution, vide Government of India, Ministry of Home Affairs, notification No. F.-27/59-HIM(i), dated July 13, 1959, the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to make the following Rules in respect of Himachal Pradesh Public Works Department Subordinate Services in regard to the following matters, namely:—

- (i) the method of recruitment to the posts in the services;
- (ii) the qualifications necessary for appointment to such services and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purpose of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I

GENERAL

Short title and commencement. 1. (a) These rules may be called the Himachal Pradesh Public Works Department Subordinate Services Class III, Planning Assistant (Recruitment, Promotion and Certain Conditions of Service) Rules, 1968.
(b) These rules shall come into force from the date of notification in the Official Gazette.

Definitions. 2. In these rules, unless there is anything repugnant in the subject or context:—

- (a) "Recognised Institution" means any University incorporated by law in India and such other University, College, School or Institution which is declared by the Government of India or Himachal Pradesh Government from time to time to be recognised for the purposes of these rules.
- (b) "Government" means the Government of Himachal Pradesh.
- (c) "Administrator" means the Administrator (Lieutenant Governor), Himachal Pradesh.
- (d) "The Service" means the Himachal Pradesh Public Works Department Class III, Planning Assistant Subordinate Service (Non-Gazetted).
- (e) "Chief Engineer" means the Chief Engineer, Himachal Pradesh Public Works Department.
- (f) "Circle" means the area under the control of Chief Engineer, Himachal Pradesh Public Works Department.
- (g) "The Department" means the Himachal Pradesh Public Works Department.
- (h) "Member" means a member of the service.
- (i) "Scheduled Castes" means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes specified in the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951 as amended from time to time.
- (j) "Scheduled Tribes" means the Tribes or Tribal Communities or parts of or groups within Tribes or Tribal Communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended from time to time.

PART II

RECRUITMENT TO SERVICE

Character of posts. 3. The character (i.e. designation, grade etc.) of the posts included in the service and their rates of pay shall be as indicated in Annexure I to these rules.

Authority empowered to make appointment. 4. All appointments to posts in the service shall be made by the Head of the Department i.e. Chief Engineer, Himachal Pradesh Public Works Department.

Nationality, eligibility and age etc. 5. (1) A candidate for appointment to a post in the service must be:—
(a) a citizen of India, and

- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date fixed for making applications for appointment to a post, or
- (ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father, continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reason, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

- (iii) who produces before the appointing authority concerned, if so required by it, a certificate of eligibility granted under rule IV of the Himachal Pradesh, Manipur and Tripura Public Employment (Recruitment as to Residence) Rules, 1959:

Provided further that in case the Administrator in any exceptional case and for reasons to be recorded in writing relaxes the provisions of clause (b) of sub-rule (1) of this rule, in exercise of his discretion under rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Recruitment as to Residence) Rules, 1959, a candidate for appointment to any post in service must be:—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d), the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the competent authority; and

- (2) Unless he is already in Government service, must produce:—

- (i) a certificate of good moral character from the Principal Academic Officer of his University, College, School or the Head of his educational or technical institution last attended;
- (ii) certificates of good moral character from two responsible persons, not being his relatives, who are well acquainted with him in private life and unconnected with his University, College, School or other educational or technical institution;

- (iii) a medical certificate, as required by rule 10 of Fundamental Rules and rules 3 and 4 of Supplementary Rules;
- (iv) a declaration to the effect that he has not more than one living wife—
 - (a) no person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service;
- (v) in the case of female Government servant, a declaration to the effect that she has not married a person having already a living wife—
 - (a) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Government, may, if satisfied that there are special grounds for doing so, exempt any person from the operation of rules in clauses (iv) and (v) above with the approval of the Central Government.

Educational and technical qualifications of candidates.

- 6. No person shall be appointed to the service, unless:—
 - (i) he has passed the Matriculation or Higher Secondary Examination of a recognised University or above; and
 - (ii) he has passed diploma in draftsman course from a recognised institution or otherwise having more than 15 years' experience in the profession in this Department;
 - (iii) he has minimum experience of seven years as Circle Head Draftsman in the case of a diploma holder in draftsmanship or ten years as Circle Head Draftsman in the case of an unqualified person;
 - (iv) he has experience as the Head of the Drawing Branch dealing with planning, estimating, drawing, tracing, ferro printing etc., etc. The candidate should have supervised the works of Head Draftsman, Assistant Draftsman, Tracer Draftsman, Ferro Printer, etc. He should also have supervised the section handling the work of road planning and has prepared five year and annual road plans, progress reports and maintenance data about implementation of the plans:

Provided that the conditions as prescribed above may be relaxed, in special circumstances, by orders of the Government.

Method of Recruitment.

- 7. Posts in the service shall be filled in by promotion from among the Circle Head Draftsmen already working in the Himachal Pradesh Public Works Department on the recommendation of the Departmental Promotion Committee:

Provided further that all the posts in the service shall be selection posts.

Selection by Departmental Promotion Committee.

- 8. The Departmental Promotion Committee in respect of the service shall be as constituted and notified separately by the Government.

PART III

CONDITIONS OF SERVICE

Probation of members of service.

- 9. (i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service remain on probation for a period of two years.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during this period of probation, is, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his services or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in rule 4, may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his services, or revert him to his former post, if he has been appointed otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders on the expiry of probation as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension, if any, shall not exceed four years.

10. The grades of pay of the service are mentioned in Annexure I to these rules and are subject to revision from time to time.

Scale of pay
etc. of the
service.

11. In respect of discipline, punishment and appeals, the members of the service shall be governed by the provisions of Central Civil Service (Classification, Control and Appeal) Rules, 1965 and the Central Civil Services Conduct Rules, 1964, as amended from time to time.

Discipline.

12. (1) Subject to the provisions of paragraph (2) below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall en-block be senior to all others in that grade.

Seniority of
members of
service.

Explanation.—For the purpose of these rules:—

(a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules, and

(b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules, shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph (3) below, permanent officers of the grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct recruits.*—Notwithstanding the provisions of rule (2) above the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendation of the selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:—

(i) provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit;

- (ii) provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority list next to the person who joined earlier;
- (iii) provided further that he shall not lose his seniority, if the fact of his joining later was caused by circumstances beyond his control and for the reasons recorded in writing, the appointing authority is satisfied that this was so.

(4) *Promotees*.—(i) The relative seniority of persons promoted to the grade shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

(5) *Relative seniority of direct recruits and promotees*.—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in these rules.

(6) *Transferees*.—The relative seniority of persons appointed by transfer to the service from the subordinate offices or the Central Government or other departments of State Governments shall be determined in accordance with the order of their selection for such transfer.

EXPLANATORY MEMORANDUM

Rule (4)(i).—Where promotions are made on the basis of selection by a Departmental Promotion Committee, the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior person who had superseded him.

Rule (5).—A roster should be maintained based on the reservation for direct recruitment and promotions in the Recruitment Rules. Appointments should be made in accordance with this roster and seniority determined accordingly.

Illustration.—Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be re-arranged merely for the purpose of ensuring the proportion referred to above.

13. In respect of leave, pension and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7-A, Volume II of the Post and Telegraphs Compilation of the Fundamental and Supplementary Rules and the Pension Rules promulgated by the Government of India in Finance Ministry's office memo. No. F-3(1) Est.(Spl)/47, dated April 17, 1950 as amended from time to time unless one has already exercised option otherwise. Leave and pensions etc.
14. The members of service shall have to qualify examinations or to undergo training as may be prescribed by the Government from time to time for the post. Training and examinations etc.
15. In respect of conditions of service other than those covered by these rules, members of the service shall be governed by the Government of India, Ministry of Home Affairs' notification No. 27/59-Him(ii), dated July 13, 1959. Other conditions of service.
16. In all matters not expressly provided for in these rules, the members of the service shall be governed by such general rules as are deemed to have been or may hereafter be framed by the Government. General.
17. Where the Administrator is of the opinion that it is necessary or expedient so to do, he may by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons/posts.

ANNEXURE I

ANNEXURE TO HIMACHAL PRADESH PUBLIC WORKS DEPARTMENT SUBORDINATE SERVICES CLASS III PLANNING ASSISTANT (RECRUITMENT, PROMOTION AND CERTAIN CONDITIONS OF SERVICE) RULES, 1968

<i>Character of posts</i>	<i>Grade</i>
1. Planning Assistant	Rs. 300-25-500.

V. R. VAISH,
Secretary.

